

REMARKS

Reconsideration of the application in view of the foregoing amendments and following remarks is respectfully requested. Applicant thanks the Examiner for the suggested claim amendments. Applicants respectively selects an alternative amendment of the claims, support for which amendment may be found in the specification, *inter alia*, at page 4, lines 27 and 28.

The Examiner rejected claims 1, 2, 5, 6, 9, 10, 12 and 13 under 35 U.S.C. § 102(b) “as being anticipated by Zhang.” According to the Examiner, Zhang “discloses an ophthalmic contact lens ... comprising a first refractive surface ... which discloses the spiral pattern achieving a refractive index change, i.e. the optical corrective surface as refractive ...”

In order to anticipate Applicants’ claimed invention, the cited reference must disclose each material element of the claimed invention. The Zhang reference does not teach or disclose all material elements of the invention as claimed. Specifically, the reference fails to disclose a refractive surface, which surface comprises an optic zone having an area of spherical distance optical power, wherein interspersed within the area of spherical distance optical power and in a substantially spiral pattern is an area of spherical near optical power. Thus, the Zhang reference does not support a Section 102(b) rejection of the claims. Withdrawal of the rejection and allowance of the claims is respectfully requested.

The Examiner rejected claims 1 through 14 under 35 U.S.C. § 103(a) “as being unpatentable over Zhang in view of Juhasz. According to the Examiner, Zhang “does not specifically disclose that the spiral pattern is an area of near optical power.” Further according to the Examiner, “Juhasz teaches ... a method for vision correction using near optical powers made by laser ablation on the surface of a person’s eye in the shape of a spiral ...” From this, the Examiner concludes that it would be obvious “for the lens of

Zhang to further include the spiral pattern comprising the near distance optical power since Juhasz teaches ... a method for vision correction using near optical powers made by laser ablation ...”

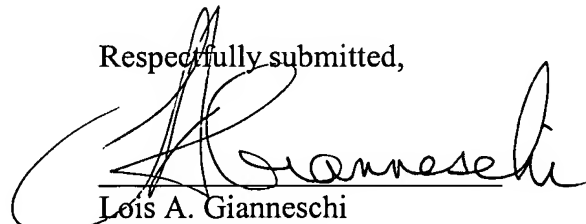
As previously stated, Zhang fails to teach or suggest a lens with a refractive surface, which surface comprises an optic zone having an area of spherical distance optical power, wherein interspersed within the area of spherical distance optical power and in a substantially spiral pattern is an area of spherical near optical power. The Juhasz reference also fails to teach or suggest such a lens. Thus, whether considered singly or in combination, the references do not teach or suggest the claimed invention and do not support a Section 103(a) rejection of the claims. Withdrawal of the rejection and allowance of the claims is respectfully requested.

Applicant respectfully submits that the claims, as amended, are in condition for allowance. Entry of the amendments, withdrawal of the objections and rejections, and allowance of the claims are respectfully requested.

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Respectfully submitted,



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